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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re ARDELYX, INC.

Case No. 4:21-cv-05868-HSG

**STIPULATION AND ORDER
REGARDING SCHEDULE FOR THIRD
AMENDED COMPLAINT AND
MOTION TO DISMISS**

(Civil L.R. 6-1, 6-2, 7-12)

Hon. Haywood S. Gilliam, Jr.

1 Lead Plaintiff Jatin Malhotra (“Plaintiff”) and Defendants Ardelyx, Inc., Mike Raab, Justin
2 Renz, and David Rosenbaum (“Defendants,” and, together with Plaintiff, “Parties”), by and
3 through their undersigned counsel, hereby stipulate and agree as follows, and jointly request that
4 the Court enter the Proposed Order below approving this stipulation in the above-captioned case.

5 WHEREAS, on April 14, 2023, Plaintiff filed a Second Amended Class Action Complaint
6 alleging violations of the federal securities laws (“SAC”) (ECF No. 97);

7 WHEREAS, on June 2, 2023, Defendants filed a motion to dismiss the SAC under Fed. R.
8 Civ. P. 12(b)(6) (“Motion to Dismiss”) (ECF No. 101);

9 WHEREAS, on July 21, 2023, Plaintiff filed his opposition to Defendants’ Motion to
10 Dismiss (ECF No. 105);

11 WHEREAS, on August 21, 2023, Defendants filed their reply in support of their Motion
12 to Dismiss (ECF No. 107);

13 WHEREAS, on March 18, 2024, the Court granted Defendants’ Motion to Dismiss with
14 leave to amend, in which the Court provided that “Plaintiff may file an amended complaint within
15 21 days of the date of this order,” directed the Parties “to submit a joint case management statement
16 by April 16, 2024,” and set “a telephonic case management conference for April 23, 2024 at 2:00
17 p.m.” (ECF No. 110);

18 WHEREAS, on March 29 and April 1, 2024, counsel for the undersigned Parties conferred
19 to determine mutually agreeable dates by which Plaintiff may file a third amended complaint,
20 Defendants may file a motion to dismiss any such complaint, and the Parties may file briefing in
21 relation to any such motion to dismiss;

22 NOW, THEREFORE, the Parties, by and through their undersigned counsel, hereby
23 stipulate, subject to the Court’s approval, to the following schedule for the filing of Plaintiff’s third
24 amended complaint, and the filing of any motion to dismiss the third amended complaint and any
25 related briefing:

- 26 1. Plaintiff shall file a third amended complaint by April 19, 2024;
27 2. Defendants shall file any motion to dismiss the third amended complaint by June 3,
28 2024;

1 3. Plaintiff shall file any opposition to Defendants' motion to dismiss by July 18,
2 2024;

3 4. Defendants shall file any reply brief in support of their motion to dismiss by
4 August 19, 2024; and

5 5. In light of the foregoing, counsel for the undersigned Parties respectfully submit
6 that the joint case management statement and case management conference currently scheduled
7 for April 16 and April 23, 2024, respectively, should be postponed until a time convenient for the
8 Court after it rules on Defendants' anticipated motion to dismiss Plaintiff's third amended
9 complaint.

10 IT IS SO STIPULATED.

11 DATED: April 2, 2024

12 **SCOTT+SCOTT**
13 **ATTORNEYS AT LAW LLP**

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35 *Counsel for Lead Plaintiff Jatin Malhotra
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37 DATED: April 2, 2024

38 **LATHAM & WATKINS LLP**

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55 *Counsel for Defendants Ardelyx, Inc.,
56 Mike Raab, Justin Renz, and David
57 Rosenbaum*

1 **ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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4 Date 4/8/2024

5 Hon. Haywood S. Gilliam, Jr.
6 United States District Judge

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